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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,785	09/24/2003	Wolfgang Berberich	71098	6397
23872	7590	02/01/2005	EXAMINER	
MCGLEW & TUTTLE, PC 1 SCARBOROUGH STATION PLAZA SCARBOROUGH, NY 10510-0827				NGUYEN, PHUNG
		ART UNIT		PAPER NUMBER
				2632

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/669,785	BERBERICH ET AL.	
	Examiner	Art Unit	
	Phung T Nguyen	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/24/2005.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-3, 5, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Pochmuller (US 2002/0113415).

Regarding claim 1: Pochmuller discloses holding device and method for detecting a vehicle environment with at least one camera comprising at least one display device located in an interior of the vehicle; and at least one camera arranged in front and/or rear part(s) of the vehicle,

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with which areas to sides of the vehicle can be observed and displayed on the display device, wherein the camera is arranged on a carrier unit mounted centrally on the vehicle, whereby the carrier unit, if not being used, is retracted into bodywork of the vehicle and can be extended if required (paragraphs 0025, 0030, and 0036).

Regarding claim 2: Pochmuller discloses the carrier unit is integrated into a bumper of the vehicle (paragraphs 0010 and 0029).

Regarding claim 3: Pochmuller discloses the carrier unit is mounted on an axis to pivot (paragraph 0037).

Regarding claim 5: Pochmuller discloses wherein the carrier unit can at least be locked into a position of rest in order to provide protection against damage or theft (paragraph 0003).

Regarding claim 12: Pochmuller discloses wherein the monitoring device is initially equipped with a control device, with which the extension and retraction of the carrier unit or a lighting device respectively can be controlled and/or regulated (paragraphs 0036 and 0037).

Regarding claim 13: Pochmuller discloses wherein the monitoring device can be used as a parking aid (paragraph 0006).

° *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 4, 6, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pochmuller in view of Yamamoto (U.S. Pat. 6,479,855).

Regarding claim 4: Pochmuller discloses monitoring the surrounding area of a vehicle using at least one camera but does not specially teach the camera is a charge coupled device (CCD) camera as claimed. However, the use of the CCD camera is old and known in the art as taught by Yamamoto (col. 3, lines 8-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the conventional CCD camera of Yamamoto in the system of Pochmuller because the CCD camera is developed with higher resolution and faster frame rates which is an advantage.

Regarding claim 6: Yamamoto disclose wherein two cameras are arranged at the carrier unit, whereby the one camera can cover an area to the right of the vehicle, and whereby, the other camera can cover an area to the left of the vehicle (col. 3, lines 21-24).

Regarding claim 7: Yamamoto disclose wherein image data transferred by the two cameras can be displayed next to one another in two areas on the display device (paragraph 0039).

Regarding claim 11: Yamamoto discloses wherein the display device is a navigation display (col. 3, lines 25-29).

6. Claims 8, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pochmuller in view of Hsieh (U.S. Pat. 5,574,443).

Regarding claim 8: Pochmuller does not teach wherein the monitoring device interacts with a lighting device. However, Hsieh discloses vehicle monitoring apparatus with broadly and

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reliably rearward viewing comprising the illuminator 23 for a visible sensing of the external subject at night or darkness (fig. 3, col. 3, lines 6-8). Therefore, it would be obvious to the skilled artisan to utilize the technique of Hsieh in the system of Pochmuller because they both teach a system for monitoring the surrounding area of a vehicle using the cameras. It is seen that Hsieh's teaching of an additional lighting device would enhance the system of Pochmuller for visible sensing of the external subject inside a building (multi-story carpark with varying degrees of lighting or no lighting at all) or outside (darkness).

Regarding claim 9: Hsieh discloses wherein the lighting device is arranged on the carrier device (fig. 3, col. 2, lines 64-67, and col. 3, lines 1-8).

Regarding claim 10: Hsieh discloses wherein the camera is capable of processing light signals in an infra-red range (col. 2, lines 64-67, and col. 3, lines 1-8).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Petrossian et al. [U.S. Pat. 5,027,200] disclose enhanced viewing at side and rear of motor vehicles.

b. Lee [U.S. Pat. 5,680,123] discloses vehicle monitoring system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax numbers for the organization where this application or proceeding is assigned are 703-305-3988 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Phung Nguyen



Date: January 24, 2005